

Simeon M. Herskovits, Nevada Bar No. 11155
Iris Thornton, *pro hac vice*
Advocates for Community and Environment
P.O. Box 1075
El Prado, New Mexico 87529
Phone: (575) 758-7202
Fax: (575) 758-7203
Email: simeon@communityandenvironment.net
Email: iris@communityandenvironment.net

Sean A. Rowe, Nevada Bar No. 10977
Mineral County District Attorney
P.O. Box 1210
Hawthorne, Nevada 89415
Phone: (775) 945-3636
Fax: (775) 945-0740
Email: srowe@mineralcountynv.org

Attorneys for Mineral County

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)

Plaintiff,)

WALKER RIVER PAIUTE TRIBE,)

Plaintiff-Intervenor,)

vs.)

WALKER RIVER IRRIGATION DISTRICT,)
a corporation, et al.,)

Defendants.)

UNITED STATES OF AMERICA,)
WALKER RIVER PAIUTE TRIBE,)

Counterclaimants,)

vs.)

WALKER RIVER IRRIGATION DISTRICT,)
et al.,)

Counterdefendants.)

IN EQUITY NO. C-125-RCJ
SUBFILE NO. C-125-B
3:73-CV-00127-RCJ-WGC

**MINERAL COUNTY'S POINTS
AND AUTHORITIES IN
RESPONSE TO UNITED
STATES' AND WALKER RIVER
PAIUTE TRIBE'S MOTIONS TO
STAY BRIEFING DEADLINE
AND REQUEST TO STAY
BRIEFING DEADLINE IN
SUBPROCEEDING C-125-C IF
BRIEFING DEADLINE STAYED
IN SUBPROCEEDING C-125-B**

Mineral County respectfully submits this response to the *United States' Motion to Stay
Briefing Deadline* filed on April 15, 2014, C-125-B Doc. No. 1988, and *Walker River Paiute*

1 *Tribe's Motion to Stay Briefing Deadline and Joinder in United States' Motion to Stay Briefing*
2 *Deadline* filed on April 22, 2014, C-125-B Doc. No. 1989.

3 With regard to the merits of the motions, Mineral County defers to the discretion of the
4 Court. However, Mineral County respectfully requests that, if the Court grants the United
5 States' and Walker River Paiute Tribe's motions to stay the May 30, 2014, motion to dismiss
6 response deadline in this subproceeding, the Court similarly stay the May 30, 2014, deadline in
7 subproceeding C-125-C to respond to the motion to dismiss filed on March 31, 2014, by the
8 Walker River Irrigation District and joined by a number of defendants. C-125-C Doc. Nos. 751,
9 752, 753, & 754. Mineral County, the United States, and the Walker River Paiute Tribe all are
10 parties to both subproceedings C-125-B and C-125-C, and are likely to participate in briefing on
11 the motions to dismiss in each subproceeding. Whether or not the Court grants the motions, the
12 interests of judicial economy and efficiency weigh in favor of keeping the briefing and decision
13 on the motions to dismiss filed in both subproceedings on the same schedule. Doing so also
14 would be consistent with the preference previously expressed by the Court for briefing,
15 argument, and decision of the pending motions to dismiss in both subproceedings to proceed
16 simultaneously.

17 If the Court grants the United States' and Tribe's motions and Mineral County's request
18 herein to similarly stay the motion to dismiss response deadline in subproceeding C-125-C,
19 Mineral County respectfully requests that notice of the stay of the response deadline also be filed
20 in subproceeding C-125-C to ensure that parties to that subproceeding receive notice of the stay.

21 Respectfully submitted this 28th day of April, 2014,

22 /s/ Iris Thornton
23 Simeon Herskovits, NV Bar No. 11155
24 Iris Thornton, *pro hac vice*
25 Advocates for Community and Environment

P.O. Box 1075
El Prado, NM 87529
Phone: (575) 758-7202
Fax: (575) 758-7203
Email: simeon@communityandenvironment.net
Email: iris@communityandenvironment.net

Sean A. Rowe, Nevada Bar No. 10977
Mineral County District Attorney
P.O. Box 1210
Hawthorne, Nevada 89415
Phone: (775) 945-3636
Fax: (775) 945-0740
Email: srowe@mineralcountynv.org

Attorneys for Mineral County

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of April, 2014, Mineral County filed, through the United States District Court ECF System the foregoing **MINERAL COUNTY'S POINTS AND AUTHORITIES RESPONSE TO UNITED STATES' AND WALKER RIVER PAIUTE TRIBE'S MOTIONS TO STAY BRIEFING DEADLINE AND REQUEST TO STAY BRIEFING DEADLINE IN SUBPROCEEDING C-125-C IF BRIEFING DEADLINE STAYED IN SUBPROCEEDING C-125-B** to be served by CM/ECF electronic filing on all of the registered participants.

/s/ Iris Thornton
Iris Thornton